

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

BARBARA ELAM AND BOBBY ELAM

PLAINTIFFS

VS.

CIVIL ACTION NO. 1:08CV304-DD

THE KANSAS CITY SOUTHERN RAILWAY
COMPANY AND RONALD L. MICHAEL

DEFENDANTS

AFFIDAVIT OF ROBERT A. BURT, II

STATE OF MISSISSIPPI

COUNTY OF HINDS

1. My name is Robert A. Burt, II, and I am a resident of Rankin County, Mississippi. I have personal knowledge of the facts stated in this affidavit. I swear and affirm that the contents of this affidavit are true and correct to the best of my knowledge, information and belief.

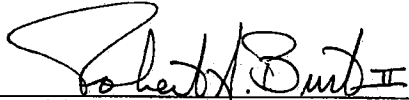
2. I am an adult, competent to testify to the matters stated in this affidavit. The statements made herein are made upon my personal knowledge. I am employed by the Mississippi Department of Transportation (hereinafter "MDOT"), in the office located in Jackson, Mississippi, as the Director of Freight, Rails, Ports & Waterways.

3. Pursuant to the 1981 project identified as MDOT Project No. 75-0916-00-026-10 (Federal Aid Project No. OP-0916-0(26)), MDOT records indicate that federal funds were in fact used to fund the installation of highway pavement markings and advance warning signs at the Pine Crest crossing located in Corinth, Alcorn County, Mississippi, Crossing Identification No. 869527K.

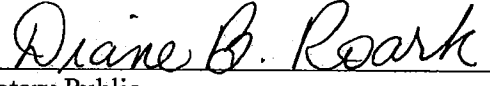


4. I have reviewed the documentation attached to this affidavit as Exhibit "1". These documents are true and correct copies of the documents in the possession of MDOT, and such documents were used to determine that federal funds were used at the subject grade crossing.

Further Affiant sayeth not.


ROBERT A. BURT, II

SWORN TO AND SUBSCRIBED BEFORE ME on this the 4th day of December, 2009.


Notary Public

My Commission Expires



SUBMITTED BY

BILL LOVETT, ESQ.

STATE OF MISSISSIPPI
STATE HIGHWAY DEPARTMENT

Justin M. White

FINAL PLANS
OF
COMPLETED WORK

RAILROAD GRADE CROSSING PROTECTION
FEDERAL AID PROJECT NO. OP-0916-0(26)

75-0916-00-026-10

RAILROAD ADVANCE WARNING SIGNS
AT CITY STREETS AND COUNTY ROADS-STATEWIDE

Contractor	TRACER CONTROL BEARERS CO.
(Address)	P.O. Box 5853 JACKSON
Dist. Engr.	
Proj. Engr.	W. E. O'NEAL (Signature)
Work Started on	10-20-82
Work Accepted on	5-20-83

MISSISSIPPI STATE HIGHWAY DEPARTMENT
APPROVED:
<i>John R. Webb</i>
DIRECTOR
DATE
12-3-81

2/19/81

CROSSINGS FOR COUNTY ALCON

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ID. NO.	EFFECT DATE	CNTY	RR	HWY PAVE	PAYE MARK	ADV WRN	NEW AADT	HP	PM	AM	OLD AADT	WARNING DEVICE
862557D		003	CCR	—	0	X		2	3	2	00030	CROSSBUCKS
869521U		003	CCR	2@10'	2	0		1	3	1	000900	CROSSBUCKS
869523H		003	CCR	2@9'	2	—		1	3	2	000300	CROSSBUCKS
869526D		003	CCR	2@11'	2	—		1	1	1	001200	HWY SIG W/ BELLS
869527K		003	CCR	1@11'	2	X		1	3	1	001000	CROSSBUCKS
CORINTH												
RR TOTAL												